

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Case No. 17-cr-20389

Plaintiff,

vs.

HON. ROBERT H. CLELAND

D-1 MARTY TUTT,

Defendant.

\_\_\_\_\_/

GOVERNMENT'S RESPONSE TO DOC. #32: DEFENDANT'S  
MOTION FOR BILL OF REVIEW TO REVERSE TEXT-ONLY ORDER

THE UNITED STATES OF AMERICA, by undersigned counsel, respectfully requests that this Court deny Defendant Marty Tutt's [TUTT] Motion for Bill of Review to Reverse Text-Only Order (Doc.#32) because it is moot, as more fully explained below.

After his sentence and while still represented by counsel, TUTT submitted to the Court, *pro se*, a pleading he entitled "Motion for Revocation Hearing to Redirect Sentencing." On September 20, 2018, this Court, *sua sponte*, struck that motion in a text-only order because "at the time of the filing[], Defendant was represented by counsel." Thereafter, counsel of record filed a sealed motion to withdraw which

this Court granted on October 23, 2018. (Doc.#29: Order Granting Motion to Withdraw). Because the motion stricken by the Court's September 20, 2018, Text-Only Order was re-filed following the withdrawal of counsel and is now pending, TUTT's Motion for Bill of Review to Reverse Text-Only Order is moot.

WHEREFORE, the government respectfully requests that this Court deny TUTT's Motion for Bill of Review to Reverse Text-Only Order (Doc. #32) as moot.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on Wednesday, November 07, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

N/A

I further certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Marty Edward Tutt  
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